

REMARKS

The Official Action of April 5, 2006, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Action, the allowance of claims 12-21 was withdrawn. Claims 12-16, 20 and 21 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,290,639 to *Mussivand et al.*, claims 17 and 18 were rejected under 35 USC 103(a) as being unpatentable over *Mussivand et al.*, and claim 19 was rejected under 35 USC 103(a) as being unpatentable over *Mussivand et al.* in view of U.S. Patent No. 5,498,043. For at least the following reasons, Applicants respectfully traverse these rejections.

As set forth above, claim 12 as amended is directed to a method for implanting a circulatory apparatus in a patient, the apparatus comprising a mechanical circulatory device and a conduit assembly for attachment to the mechanical circulatory device, the conduit assembly including a first rigid curved conduit and a second rigid curved conduit. The method comprises the steps of attaching one end of the first rigid curved conduit to the mechanical circulatory device with a first coupling in a rotatable position; positioning the mechanical circulatory device relative to the patient; rotating the first rigid curved conduit until a desired position of the first conduit relative to the patient is achieved; and moving the first coupling to a fixed position so as to maintain a predetermined orientation of the first rigid curved conduit when the first coupling is disposed in the fixed position. The method further comprises the steps of attaching another end of the first rigid curved conduit to the second rigid curved conduit with a second coupling in a rotatable

position; positioning the mechanical circulatory device relative to the patient; rotating the second rigid curved conduit until a desired position of the second rigid curved conduit relative to the patient is achieved; and moving the second coupling to a fixed position so as to maintain a predetermined orientation of the second rigid curved conduit when the second coupling is disposed in the fixed position.

Thus, the claimed invention achieves an increased degree of adjustability for positioning the conduit assembly due to the combination of the first and second rigid curved conduits and the recited first and second couplings.

Mussivand et al., the primary reference upon which the Examiner relies, discloses an inflow assembly 100 comprising two basic components, an apical tip assembly 110 and an inflow elbow assembly 170 which are adapted to be connected together. The inflow elbow assembly comprises an inflow elbow tube 170 with a gland nut 160 at one end and a gland nut 180 at the other end. The inflow elbow tube 175 is rigid and curved along its length. The apical tip assembly 110 comprises a tubular tip body 12, a skirt 118 and an end section 120. The tip assembly further includes a threaded connection 120 which forms a union coupler with the gland nut 10 on the inflow elbow assembly 170.

In contrast to the claimed invention, the apical tip assembly 110 is not curved. Thus, *Mussivand et al.* does not disclose a first rigid curved conduit and a second rigid curved conduit, and thus does not meet the method limitations regarding attachment thereof. The application of two rigid curved conduits increases the degree of adjustability in positioning a VAD which would not be achieved with only the one curved conduit shown in *Mussivand et al.* Accordingly, Applicants submit

that the claims as amended above patentably distinguish over the cited prior art and an early indication of allowance is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

BUCHANAN INGERSOLL PC

(INCLUDING ATTORNEYS FROM BURNS, DOANE, SWECKER & MATHIS)

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By:



Wendi Leigh Weinstein
Registration No. 34,456

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620